

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11947 OF 2002

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DATED: 11-7-2007

Between:

Smt D. Santhamma

.. Petitioner

and

The District Collector, Chittoor, Chittoor
District and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11947 OF 2002

ORDER:

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This writ petition is filed seeking a mandamus declaring the action of the respondents in trying to construct a check dam on the natural stream and in petitioner's land in Sy.Nos.212 and 214 situated at Varadaiahpalem village and Mandal, Chittoor District, without following any procedure of law, as arbitrary and illegal.

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According to the petitioner, she is the absolute owner of agricultural land in an extent of Ac.1.21 cents in Sy.No.212/1A, Ac.2.19 cents in Sy.No.212/2B and Ac.6.08 cents in Sy.No.214 situated at Varadaiahpalem village and mandal, Chittoor district. The land beside her lands is forest land and, in between her land in Sy.No.214 and the said forest land, there is a natural steam (vagu). The rain water and the seepage water collected at upper region will flow through the said stream. While so, on 27.6.2002, when she found some markings in her land in Sy.No.214, she enquired with the 4th respondent and came to know that a check dam was proposed to be constructed on the stream including her land in Sy.No.214. The efforts made by her to meet the 1st respondent- District Collector and explain him about her grievance that if the proposed check dam is constructed on the stream, all her lands will be inundated and will become uncultivable, were went in vain. The petitioner further alleges that without conducting any enquiry as to the consequences of construction of check dam in the proposed place i.e. on natural steam and through her land in

Sy.No.214 and without issuing any notice to her, the construction was taken up.

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A detailed counter-affidavit has been filed by the 3rd respondent. It is asserted that a check dam has been proposed to be constructed across the existing surplus course of Varadaiahpalem tank, in order to improve the ground water table in the area. Further, the check dam is proposed to be constructed only over Government lands, which are classified as stream Poramboke (Kalava Poramboke), in Sy.Nos.211 and 216 of Varadaiahpalem village. No private lands are required for construction of the said check dam and no private lands will be affected in any manner whatsoever by its construction. On the other hand, the ryots of the area will be benefited by construction of check dam, which will improve the ground water table in the area. The allegation of the petitioner that the check dam is being constructed in her land and, if the same is constructed, her lands will be inundated was denied.

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This Court, while admitting the writ petition on 04.07.2002, ordered status quo to be maintained for a period of four weeks. Thereafter, on 06.08.2002, the same was not extended and, however, the respondents were directed to finalise land acquisition proceedings, if any, if the proposed construction is in the petitioner's land. It was specified that the said exercise has to be done within a period of six months from the date of receipt of a copy of the order.

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Be that as it may, no reply is filed to the counter-affidavit filed by the 3rd respondent. From a perusal of the counter averments, it is clear that the proposed construction of the check dam is not in the petitioner's land and the same will not affect her lands. There are no grounds to grant the relief as prayed for in this writ petition. The writ

petition is devoid of merits and is liable to be dismissed.

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The writ petition is, accordingly, dismissed. There shall be no
order as to costs.

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C.V. RAMULU, J

11th July, 2007
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